

ORDINANCE NO. 10-346

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
DELETING CHAPTER 14.38 OF THE MUNICIPAL CODE
AND ADOPTING CHAPTER 14.52 TITLED
CD/R3 COMMERCIAL DOWNTOWN/MULTIPLE FAMILY DISTRICT
AND REZONING THOSE PARCELS IDENTIFIED ON THE
ATTACHED EXHIBIT A TO THAT DISTRICT**

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 14.38 of the Los Altos Municipal Code entitled "OAD/R3-1 Office-Multiple District" is hereby deleted.

SECTION 2. AMENDMENT OF CODE: Chapter 14.52 of the Los Altos Municipal Code entitled "CD/R3 Commercial Downtown/Multiple Family District" is hereby adopted per the following:

Chapter 14.52 CD/R3 COMMERCIAL DOWNTOWN/MULTIPLE FAMILY DISTRICT

Sections:

14.52.010 CD/R3 District.

14.52.020 Specific purposes (CD/R3).

14.52.030 Permitted uses (CD/R3).

14.52.040 Conditional uses (CD/R3).

14.52.050 Required conditions (CD/R3).

14.52.060 Required building setbacks (CD/R3).

14.52.070 Off-street parking (CD/R3).

14.52.080 Common parking facilities (CD/R3).

14.52.090 Off-street loading and refuse collection (CD/R3).

14.52.100 Height of structures (CD/R3).

14.52.110 Design control (CD/R3).

14.52.120 Nonconforming use regulations (CD/R3).

14.52.130 Signs (CD/R3).

14.52.140 Fences (CD/R3).

14.52.150 Restoration of nonconforming structures (CD/R3).

14.52.160 Exceptions for public benefit (CD/R3).

14.52.010 CD/R3 District.

The regulations, general provisions, and exceptions set forth in Chapter 14.66 of this title shall apply in the CD/R3 District.

14.52.020 Specific purposes (CD/R3).

Specific purposes for CD/R3 Districts are as follows:

A. Promote the implementation of the downtown urban design plan;

B. Retain and enhance the downtown Los Altos village atmosphere;

C. Allow latitude for creative design and architectural variety within limits established;

D. Preserve and improve the character of the area immediately surrounding the existing downtown pedestrian district;

E. Provide pedestrian amenities such as paseos, outdoor public spaces and outdoor seating;

F. Establish a sense of entry into the downtown;

- G. Encourage historic preservation for those buildings listed on the city's historic resources inventory;
- H. Encourage the upgrading of building exteriors, signs, passageways and rear entries;
- I. Provide for a full range of retail, office, and service uses appropriate to downtown;
- J. Develop a landscaped strip along the back of properties that abut Foothill Expressway between Edith Avenue and San Antonio Road;
- K. Improve the visual appeal and pedestrian orientation of the downtown; and
- L. Encourage the use of solar, photovoltaic, and other energy conserving devices.

14.52.030 Permitted uses (CD/R3).

The following uses shall be permitted in the CD/R3 District:

- A. Business, professional, and trade schools;
- B. Housing;
- C. Maintenance and repair services;
- D. Offices, excluding drive-through facilities;
- E. Parking spaces and loading areas;
- F. Restaurants, excluding drive-through facilities;
- G. Retail and personal services; and
- H. Uses which are determined by the city planner to be of the same general character.

14.52.040 Conditional uses (CD/R3).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CD/R3 District:

- A. Animal clinics and hospitals;
- B. Cocktail lounges;
- C. Commercial recreation;
- D. Day care centers;
- E. Service stations provided the site has at least one hundred (100) feet of frontage on a street with a minimum site area of twenty thousand (20,000) square feet; and
- F. Uses which are determined by the planning commission and the city council to be of the same general character.

14.52.050 Required conditions (CD/R3).

The following conditions shall be required of all uses in the CD/R3 District:

- A. All businesses, services, and processes shall be conducted within a completely enclosed structure, except for parking and loading spaces, sale of gasoline and oil at service stations, incidental sales and display of plant materials and garden supplies occupying no more than one thousand five hundred (1,500) square feet of exterior sales and display area, and outdoor eating and community facility play areas operated incidental to those services.
- B. No use shall be permitted and no process, equipment, or materials shall be employed which are found by the planning commission to be objectionable by reason of odor, dust, smoke, noise, vibration, illumination, glare, unsightliness, or electrical disturbances which are manifested beyond the premises in which the permitted use is located.
- C. No property owner, business owner and/or tenant shall permit or allow operation of a business which violates the required conditions of this chapter, including the following general criteria:
 1. Refuse collection. Every development, including applications for tenant improvements, shall be required to provide suitable space for solid waste separation, collection, and storage and shall provide sites for such that are located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties; or public rights-of-way. Refuse collection areas are encouraged to be shared, centralized, facilities whenever possible.

2. Lighting. Lighting within any lot that unnecessarily illuminates any other lot and/or substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if: (i) it clearly exceeds the minimum illumination necessary to provide for security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities, or (ii) if the illumination could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

3. Air pollution. Any use that emits any "air contaminant" as defined by the Bay Area air quality management district shall comply with applicable state standards concerning air pollution.

4. Maintenance of common areas, improvements, and facilities. Maintenance of all common areas, improvements, facilities, and public sidewalks adjacent to the subject property shall be required. In the case of public sidewalks, maintenance shall be limited to keeping the sidewalk clean and free of debris, markings, and food and drink stains by means of sweeping, cleaning with water and/or steam cleaning.

5. Odors. No use may generate any odor that may be found reasonably objectionable as determined by an appropriate agency such as the Santa Clara County health department and the Bay Area air quality management district beyond the boundary occupied by the enterprise generating the odor.

6. Noise. No person shall operate, or cause to be operated, any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property either incorporated or unincorporated, to exceed standards as set forth in Chapter 6.16 of the Los Altos Municipal Code.

In order to attenuate noise associated with commercial development, walls up to twelve (12) feet in height may be required at a commercial/residential interface. Other conditions may be applied such as, but not limited to, muffling of exterior air conditioning facilities.

D. For affordable housing requirements, see Chapter 14.28 of this title.

14.52.060 Required building setbacks (CD/R3).

For entirely residential projects:

A. The minimum depth of the front yard shall be ten (10) feet, all of which shall be landscaped. For purposes of this section, "landscaped" shall mean any combination of plant material (soft surfaces) and decorative paving, seating, seat-walls, fountains, etc., (hard surfaces) where the soft surface comprises at least sixty (60) percent of the total landscaped area. Stair cases and building entry landings may be located in the required front yard.

B. No side yards shall be required, except when the side property line of a site abuts a public street or a public parking plaza, in which case the minimum width of the side yard shall be two feet and shall be landscaped.

C. The minimum depth of the rear yard shall be ten (10) feet, all of which shall be landscaped. For purposes of this section, "landscaped" shall mean any combination of plant material (soft surfaces) and decorative paving, seating, seat-walls, fountains, etc., (hard surfaces) where the soft surface comprises at least sixty (60) percent of the total landscaped area. Stair cases and building entry landings may be located in the required rear yard.

For mixed-use and commercial projects:

A. The minimum depth of front yards shall be two feet and shall be landscaped.

B. No side yards shall be required, except when the side property line of a site abuts a public street or a public parking plaza, in which case the minimum width of the side yard shall be two feet and shall be landscaped.

C. Where the rear property line of a site abuts a public parking plaza, public street, or alley, the minimum depth of the rear yard shall be two feet and shall be landscaped.

14.52.070 Off-street parking (CD/R3).

Parking facilities shall be provided in accordance with Chapter 14.74 of this title. In addition, parking facilities shall:

- A. Reduce the visual impact of parking structures and parking lots by locating them at the rear or interior portions of building sites;
- B. Minimize the street frontage of the lot or structure by placing its shortest horizontal edge along the street;
- C. When parking structures must be located at street frontage because other locations are proven infeasible, the ground level frontage shall either be used for commercial space or shall provide a landscaped area not less than five feet in width between the parking area and the public right-of-way;
- D. Keep the number of direct entrances to parking facilities from streets to a minimum;
- E. Provide a landscaped buffer not less than five feet in width between a parking lot or structure and street frontage or buildings. Where the landscaped strip adjoins a public street or pedestrian walkway, the landscaped strip may be required to include a fence, wall, berm, or equivalent feature;
- F. Provide a minimum of interior landscaping for unenclosed parking facilities as follows: where the total parking provided is located on one site and is fourteen thousand nine hundred ninety-nine (14,999) square feet or less, five percent of total parking area; where the parking is fifteen thousand (15,000) through twenty-nine thousand nine hundred ninety-nine (29,999) square feet, seven and one-half percent of total parking area; and where the facility is thirty thousand (30,000) square feet or greater, ten (10) percent of total parking area.

TABLE INSET:

| Parking Area (in square feet) | Minimum Landscaping (% of Parking Area) |
|-------------------------------|---|
| < 15,000 | 5 |
| 15,000 -- 29,999 | 7.5 |
| > 30,000 | 10 |

G. Trees in reasonable number shall be provided; ground cover alone is not acceptable. Interior landscaping shall be distributed throughout the paved area as evenly as possible. Provision shall be made for automatically irrigating all planted area. All landscaping shall be protected with concrete curbs or other acceptable barriers. All landscaping shall be continuously maintained.

14.52.080 Common parking facilities (CD/R3).

(As provided in Chapter 14.74 of this title.)

14.52.090 Off-street loading and refuse collection (CD/R3).

- A. Where buildings are served by alleys, all service-delivery entrances, loading docks, and refuse collection facilities shall be located to be accessed from the alley. No loading area shall be located at the street frontage or building facade.
- B. A minimum of thirty-two (32) square feet of covered refuse collection area shall be provided and shall not be located in any front or street side yard. Where an alley exists, the refuse collection area shall be accessed from the alley. Refuse collection areas shall be on site, but are encouraged to be shared, centralized, facilities whenever possible.
- C. On sites not served by an alley, service areas shall be located to the rear, side, or at an internal location where visibility from public streets, public parking plazas and neighboring properties will be minimized.

D. Refuse collection areas shall be enclosed by a screen wall of durable material and planting as necessary to screen views from streets, public parking plazas and neighboring properties.

14.52.100 Height of structures (CD/R3).

No structure shall exceed forty-five feet (45) feet in height. Commercial and mixed-use projects that include ground floor commercial floor area shall provide a ground floor with a minimum interior ceiling height of twelve (12) feet.

14.52.110 Design control (CD/R3).

A. No structure shall be built or altered including exterior changes in color, materials, and signage in the CD/R3 District except upon approval of the city planner or as prescribed in Chapter 14.78 of this title.

B. Reduction of apparent size and bulk:

1. As a general principle, building surfaces should be relieved with a change of wall plane that provides strong shadow and visual interest.

2. Every building over seventy-five (75) feet wide should have its perceived height and bulk reduced by dividing the building mass into smaller-scale components by:

i. A change of plane;

ii. A projection or recess;

iii. Varying cornice or roof lines;

iv. Other similar means.

3. The proportions of building elements, especially those at ground level, should be kept close to human scale by using recesses, courtyards, entries, or outdoor spaces along the perimeter of the building to define the underlying fifty (50) foot front lot frontage.

4. Rooftop equipment shall be concealed from view and/or integrated within the architecture of the building.

5. Windows should be inset generously from the building wall to create shade and shadow detail; the minimum inset shall be three inches.

C. The primary access for all buildings shall be directly to the street.

D. Consideration should be given to the relationship of the project and its location in the downtown to the implementation of goals and objectives of the downtown urban design plan.

Evaluation of design approval shall consider one or more of the following factors:

1. The project location as an entry, edge, or core site;

2. The ability to contribute to the creation of open space on-site or in designated areas;

3. Enhancement of the pedestrian environment through the use of pathways, plantings, trees, paving, benches or other amenities;

4. Building facade improvements including, paint, signage, service areas, windows and other features;

5. On-site or off-site parking improvements;

6. Public or private landscape improvements.

E. Opaque, reflective, or dark tinted glass should not be used on the ground floor elevation. With the exception of ground floor residential units, sixty (60) percent of the ground floor elevation should be transparent window surface.

F. Courtyards should be partially visible from the street or linked to the street by a clear circulation element such as an open passage or covered arcade.

G. Rooftop mechanical, venting, and/or exhausting equipment must be within the height limit and screened architecturally from public view, including views from adjacent buildings located at the same level.

14.52.120 Nonconforming use regulations (CD/R3).

(As provided in Chapter 14.66 of this title.)

14.52.130 Signs (CD/R3). (As provided in Chapter 11.04 of this code.)

14.52.140 Fences (CD/R3). (As provided in Chapter 14.72 of this title.)

14.52.150 Restoration of nonconforming structures (CD/R3). (As provided in Chapter 14.66 of this title.)

14.52.160 Exceptions for public benefit (CD/R3):

A. To implement the downtown urban design plan, exceptions from the provisions of this chapter may be granted provided the following findings are made:

1. The granting of the exception will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the area;
2. The benefit to the city derived from granting the exception is an appropriate mitigation when considered against the cost to the developer;
3. The project and mitigation will result in a public benefit to the downtown;
4. The resultant project and mitigation are consistent with the general plan and promote or accomplish objectives of the downtown urban design plan.

B. For the purposes of this chapter, exceptions may include, but are not limited to, setbacks, on-site parking, and development or building standards.

SECTION 3. AMENDMENT OF ZONING CODE: Chapter 14.36 of the Municipal Code is hereby retitled from OA and OA-4.5 Office-Administrative Districts to OA-1/OA-4.5 Office-Administrative District.

SECTION 4. AMENDMENT OF ZONING CODE: Chapter 14.54 of the Municipal Code is hereby retitled from "CRS/OAD Commercial-Office" to "CRS/OAD Commercial Retail Sales/Office-Administrative District."

SECTION 5. AMENDMENT OF ZONING CODE: Chapters 14.32 titled "OAD Office-Administrative Design District" and 14.46 titled "CS Commercial Service District" of the Municipal Code are hereby deleted.

SECTION 6. ENVIRONMENTAL ANALYSIS. The amended zoning regulations set forth herein have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and the guidelines promulgated thereunder, and Council finds that it can be seen with certainty that there are no significant environmental impacts on the environment resulting from these amendments and a Negative Declaration was therefore adopted on February 9, 2010.

SECTION 7. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 8. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 9. EFFECTIVE DATE. This ordinance shall become effective upon the commencement of the thirty-first day following the date the adopted ordinance is attested by the City Clerk.

The foregoing ordinance No. 10-346 was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on February 23, 2010 and was thereafter, at a regular meeting held on March 9, 2010 passed and adopted by the following vote:

AYES: SATTERLEE, CARPENTER, PACKARD, BECKER, CASAS
NOES: NONE
ABSENT: NONE



David C. Casas, MAYOR

Attest:


Susan Kitchens, CITY CLERK

Date: March 15, 2010

Rezoning Map – Exhibit A

